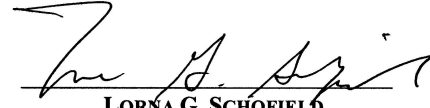


Criston E. Cicala
CALHOUN BHELLA & SECHREST
5 Columbus Circle, 11th Floor
New York, NY 10019
Telephone: 646-819-0401
Facsimile: 646-819-0409
CCicala@cbsattorneys.com

Defendant's motion to dismiss is **DENIED** with prejudice to renewal. The Court directs Defendant's attention to Individual Rule III.C.2, which requires a movant to file a pre-motion letter with the Court, in the manner provided in Individual Rule III.A.1, prior to filing a motion to dismiss.

Dated: November 6, 2020
New York, New York

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

THE BROWNING SCHOOL,

Plaintiff,

v.

TATE HALLFORD and CRISTON CICALA,

Defendants.

CASE NO. 1:20-cv-09084

**DOCUMENT ELECTRONICALLY
FILED VIA CM/ECF**

**NOTICE OF DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

PLEASE TAKE NOTICE that Defendant Criston Cicala (“Mr. Cicala” or “Defendant”), proceeding *pro se*, hereby moves this Court for an Order dismissing the Complaint of Plaintiff The Browning School (“Browning” or “Defendant”) for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). In accordance with Section III.C of this Court’s Individual Practices, Defendant hereby certifies that this motion is made following the conference of Defendant and Plaintiff’s counsel, which took place via electronic correspondence on November 2, 3 and 4th in 2020. Plaintiff declined the opportunity to amend its deficient pleading. Accordingly, and for the reasons set forth in the accompanying Memorandum of Law in support of this motion, Defendant moves this Court for an order dismissing Plaintiff’s Complaint in its entirety with prejudice.

Respectfully submitted,

November 5, 2020

/s/ Criston E. Cicala
Pro Se

Criston E. Cicala
CALHOUN BHELLA & SECHREST
5 Columbus Circle, 11th Floor
New York, NY 10019
Telephone: 646-819-0401
Facsimile: 646-819-0409
CCicala@cbsattorneys.com